

MATTER OF RAMIREZ

In Visa Petition Proceedings

A-19660733

*Decided by Board March 11, 1971*

Legitimation of beneficiary, who was born out of wedlock, was not accomplished by act of acknowledgment of paternity by the U.S. citizen petitioner in Louisiana in 1970 when he had legitimate children, since, under the law of Louisiana, a parent cannot legitimate his natural child by notarial act of acknowledgment when there exist on the part of such parent legitimate ascendants or descendants.

The petitioner appeals the decision of the District Director denying this visa petition filed to accord the beneficiary immediate relative status as the child of a United States citizen. The District Director determined that the petitioner failed to establish that he married the beneficiary's mother or otherwise legitimated the beneficiary in accordance with the provisions of section 101(b)(1)(C). We affirm that decision.

The petitioner is a native of Honduras who became a naturalized citizen on March 4, 1964. The beneficiary, a native and citizen of Honduras, was born on February 5, 1954 in Tela, Atlántida, Honduras, and resides in Honduras. The petitioner never married the beneficiary's mother. The beneficiary's birth certificate presented in support of this petition does not mention the father's name but lists the mother as unmarried and the beneficiary as her illegitimate son. No evidence was presented of acknowledgement by the father at the time of birth registration.

The petitioner's residence is in New Orleans, Louisiana. In support of the petition, the petitioner submitted an Act of Acknowledgement executed on October 4, 1970 at New Orleans, Louisiana, wherein he acknowledges that he is the father of the beneficiary, that he did not marry the beneficiary's mother, and that the beneficiary was born out of wedlock. The petitioner is presently married. He has eight legitimate children of this present marriage and two others by a prior marriage.